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MAR 03 2006

In Application of :
Mericas :
Application No.: 09/310,912 :
Filed: May 13, 1999 :
Attorney Docket No.: AT9-99-073 :
For: METHOD AND SYSTEM FOR COUNTING
NON-SPECULATIVE EVENTS IN A
SPECULATIVE PROCESSOR

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed January 23, 2006 (certificate of mailing date January 18, 2006) to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

The Office contended that the above-identified application became abandoned for failure to submit the issue fee and corrected formal drawings in response to the June 28, 2005 Notice of Allowance and Fee(s) Due and Notice of Allowability, which set a three month period for reply. No reply being received, the Office contended that this application became abandoned on September 29, 2005. A Notice of Abandonment was mailed on December 8, 2005.

Petitioner alleges that the June 28, 2005 Notices were not received.

The showing required to establish non-receipt of an Office communication must include :

1. A statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.

2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.¹

Petitioner has proven nonreceipt. The petition is granted.

After the mailing of this decision, the application will be returned to Technology Center AU 2193 for the re-mailing of the June 28, 2005 Notice of Allowance and Fee(s) Due and Notice of Allowability with a new period for response.

Telephone inquiries may be directed to the undersigned at (571) 272-3230.



E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

¹ See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).